

DATE TYPED: October 28, 2011
DATE PUBLISHED: October 31, 2011

IN RE: REGINALD BROOKS, OSP #A179-740

**STATE OF OHIO
ADULT PAROLE AUTHORITY
COLUMBUS, OHIO**

Date of Meeting: October 21, 2011

Minutes of the **SPECIAL MEETING** of the
Adult Parole Authority held at 770 West Broad Street,
Columbus, Ohio 43222 on the above date.

IN RE: Reginald Brooks, OSP #A179-740

SUBJECT: Death Sentence Clemency

CRIME, CONVICTION: Aggravated Murder with death penalty specification
(3 counts)

DATE, PLACE OF CRIME: March 6, 1982 in East Cleveland, Ohio

COUNTY: Cuyahoga

CASE NUMBER: CR172340

VICTIM: Reginald Brooks, Jr. (Age 17)
Vaughn Brooks (Age 15)
Niarchos Brooks (Age 11)

INDICTMENT: March 10, 1982: Aggravated Murder with death
penalty specification (3 counts).

TRIAL: September 23, 1983: Found guilty by three-judge
Panel as indicted.

DATE OF SENTENCE: November 30, 1983

SENTENCE: DEATH

ADMITTED TO INSTITUTION: June 13, 1984

JAIL TIME CREDIT: 758 days

TIME SERVED: 27 years, 4 months (does not include JTC)

AGE AT ADMISSION: 39 years old

CURRENT AGE: 66 years old

DATE OF BIRTH: March 20, 1945

JUDGE: Honorable Daniel O. Corrigan
Honorable Harry A. Hanna
Honorable Stephanie Tubbs Jones

PROSECUTING ATTORNEY: Prosecutor John T. Corrigan

FOREWORD:

Clemency in the case of Reginald Brooks, A179-740 was initiated by the Ohio Parole Board, pursuant to Sections 2967.03 and 2967.07 of the Ohio Revised Code and Parole Board Policy #105-PBD-01.

Reginald Brooks declined an opportunity to be interviewed via video conference by the Parole Board at the Ohio State Penitentiary. A Clemency Hearing was then held on October 21, 2011 with eight (8) members of the Ohio Parole Board participating. Arguments in support of and in opposition to clemency were then presented.

The Parole Board considered all of the written submissions, arguments, information disseminated by presenters at the hearing, as well as judicial decisions, and deliberated upon the propriety of clemency in this case. With eight (8) members participating, the Board voted eight (8) to zero (0) to provide an **unfavorable** recommendation for clemency to the Honorable John R. Kasich, Governor of the State of Ohio.

DETAILS OF THE INSTANT OFFENSE (CR172340): The following account of the instant offense was obtained from the Ohio Supreme Court opinion, decided July 23, 1986:

On Saturday, March 6, 1982, between 3:30 and 4:00 p.m., Beverly Brooks returned from work to the two-family home she resided in with her husband Reginald and her three sons, Reginald, Jr., age seventeen; Vaughn, age fifteen; and Niarchos, age eleven. After entering her home, she noticed that at least one or two of her three sons was still in bed. She heard the stereo playing and tried to locate her husband, who was not to be found. She then went to her sons' room again and saw that all three were still in bed. She saw that Niarchos' bed had blood on it and assumed he had a nosebleed. She turned back the cover and found Niarchos had been shot in the head. Beverly Brooks then looked over to the bunk beds and discovered her other two sons had also been shot in the head. She screamed and left the house. Shortly thereafter, she called the police.

Three East Cleveland police officers responded and found three deceased males who had each sustained a gunshot wound to the head. The youngest child, Niarchos, had been shot through the covers which were pulled up over his head. There was no evidence the house had been ransacked and no indication of a struggle. The police discovered that applicant, Reginald Brooks, Sr., had purchased a Continental Trailways bus ticket on the morning of the murders to travel from Cleveland to Las Vegas. The bus had departed from Cleveland at approximately 10:40 or 10:55 a.m. The East Cleveland police notified authorities on the bus route in Utah. On March 8, 1982, applicant was apprehended in a Continental Trailways bus en route to Las Vegas by police in Beaver City, Utah. Following a reading of his *Miranda* rights by the police, applicant indicated that he understood his rights; however, he refused to talk to the police. The police inquired about his luggage and applicant responded that he had only one small maroon bag. The police confiscated the bag and took applicant into custody.

An officer present at the time of the arrest recalled seeing two baggage claim tickets in applicant's left breast pocket. On March 18, 1982, the officer asked a Continental Trailways bus driver who drove the Beaver City-Las Vegas route to check the baggage claim area at the Las Vegas station for a bag which had originated in Cleveland. On March 19, 1982, the driver reported that he had found a red suitcase in the Las Vegas bus station, which had originated in Cleveland. The Utah officer checked applicant's inventoried belongings and found a second baggage claim check between two pictures in applicant's wallet. On March 20, 1982, the red American Tourister suitcase with a combination lock was delivered to the officers in Beaver City.

Beverly Brooks had noticed her suitcase was missing following the murders. It matched the description of the suitcase found in Las Vegas. She gave the East Cleveland police officers the combination, as well as her permission to open the suitcase. The officers also obtained a warrant to search the suitcase. Applicant was present when the officers opened the suitcase. When they asked applicant for his permission to open the suitcase, he responded that it was not his suitcase. Upon opening the suitcase, the police found, in addition to personal items, a black box with a .38 Special RG Model 40 revolver, fully loaded with six live rounds, and a box of ammunition. Latent fingerprints on the gun box and two cartridges matched applicant's fingerprints. According to ballistics experts, two of the three slugs recovered from the scene of the murders were from the same .38 Special. The third slug exhibited the same classification as the other two; however, it was so mutilated that no absolute conclusion could be drawn.

On March 10, 1982, applicant was indicted for three counts of aggravated murder with specifications in violation of R.C. 2903.01 for the killing of his three sons. On May 9, 1983, a psychiatric hearing was held to determine if applicant was competent to stand trial. Following the hearing, the trial court found applicant competent to stand trial. Trial commenced on September 19, 1983 before a three-judge panel after applicant waived his right to a jury trial.

The evidence adduced at trial outlined the events that had transpired prior to the murders and indicated that there had been a great deal of tension in the Brooks family. Prior to 1976, applicant worked to support his family. In 1976, he quit his job and stayed at home. As a result, Beverly Brooks was the sole support for her family. In the fall of 1981, Reginald, Jr. purchased a watch with money he earned working at a car wash. The watch disappeared one day and it was later discovered that applicant had pawned it. On January 31, 1982, applicant confronted his son Vaughn concerning Vaughn's schoolwork. Vaughn was unresponsive to applicant's questions and applicant struck Vaughn. Beverly Brooks attempted to intercede but was pushed out of the way by applicant. Reginald, Jr. entered the room and an altercation ensued, terminating when the two boys physically subdued their father. Applicant was then heard to say to Reginald, Jr., "You're dead."

On February 24, 1982, applicant obtained a cash advance in the amount of \$140 on his VISA card. On February 25, 1982, only nine days prior to the murders, applicant traveled across town to North Olmsted where he purchased the murder weapon and ammunition. On the federal gun registration form, he concealed the fact that he had once been arrested

for grand theft. He was later identified by the firearms dealer as the man who had purchased the weapon. On March 4, 1982, two days prior to the murders, applicant was served with divorce papers. Applicant spoke with his wife on the telephone and told her he was going to burn the papers. On Tuesday or Wednesday of that week, Beverly Brooks' employer informed her that she would have to work on Saturday, March 6, 1982. She in turn informed applicant.

On the morning of the murders, Beverly Brooks left for work between 7:15 and 7:30 a.m. Applicant was at home. At approximately 7:30 a.m., applicant was seen walking his dog by a neighbor. At trial, the neighbor testified that there was no question the man walking the dog was applicant. Vicki Hayes lived in the upper portion of the two-family house that the Brookses resided in. Her bedroom was located directly above the three Brooks boys' bedroom. At approximately 8:00 a.m., she heard a "loud sound." She then heard a stereo playing loudly the remainder of the day. Vonda Jackson, a friend of Reginald Brooks, Jr., called the Brooks home sometime after 9:00 a.m. Applicant answered, and when asked by Vonda if she might speak with Reginald, Jr., applicant responded, "I am afraid not." Vonda called the Brooks home three more times out of curiosity until 11:00 a.m.; however, no one answered. Additionally, applicant was identified by a ticket agent for Continental Trailways who testified that he sold Reginald Brooks, Sr. the bus ticket to Las Vegas on the morning of the murders.

On September 23, 1983, the three-judge panel found applicant guilty of the three counts of aggravated murder with which he was charged. On November 29, 1983, the mitigation hearing was held to determine whether the death penalty would be imposed. The three-judge panel found the aggravating circumstances of the murders outweighed any mitigating factors. As a result, on November 30, 1983, the trial court sentenced applicant to three death penalties to be carried out concurrently.

PRIOR RECORD

Juvenile Offenses: Reginald Brooks has no known juvenile arrest record.

Adult Offenses: Reginald Brooks has the following known adult arrest record:

<u>Date</u>	<u>Offense</u>	<u>Location</u>	<u>Disposition</u>
04/3/1975 (Age 30)	Grand Theft CR19933	Maple Heights, Ohio	12/4/1975: 2 years Probation; 12/4/1977: Terminated.
03/6/1982 (Age 36)	Aggravated Murder, (3 counts) 87CR36	East Cleveland, Ohio	INSTANT OFFENSE

Institutional Adjustment:

Reginald Brooks was admitted to the Department of Rehabilitation and Correction on June 13, 1984. His work assignments during his incarceration have included Clerk, Recreation

Worker, Barber and Porter. Since his transfer to the Ohio State Penitentiary, his work assignment has been as a Porter. Brooks has participated in community service projects and religious service programs while at the Ohio State Penitentiary.

Since his admission, Brooks has accumulated the following disciplinary record which resulted in placement in disciplinary control:

- 01/06/1985: Disrespect to an officer, staff member, visitor or other inmate. Brooks made disrespectful comments to a staff member. He received 10 days in disciplinary control for this rules infraction.
- 04/08/1985: Disobedience of a direct order. Brooks threw food and water on the range and made disrespectful comments to a staff member. He received 10 days in disciplinary control for this rules infraction.
- 02/13/1986: Encouraging or creating a disturbance. Brooks threw human feces onto the range. He received 10 days in disciplinary control for this rules infraction.
- 09/10/1986: Fighting – with or without weapons, including instigation of, or perpetuating fighting. Brooks was involved in a physical altercation with another inmate. He received 6 days in disciplinary control for this rules infraction.
- 02/07/1993: Encouraging or creating a disturbance. Brooks was involved in a verbal confrontation with another inmate. He received 5 days in disciplinary control for this rules infraction.

Brooks has received six (6) conduct reports that did not result in placement in disciplinary control. They include: creating a disturbance in 1985 (2); destruction of state property in 1987 and 1989; possession of contraband in 1992; and disobedience of a direct order and disrespect/threats to staff in 1992.

APPLICANT'S STATEMENT:

Reginald Brooks declined an opportunity to be interviewed by the Parole Board.

ARGUMENTS IN SUPPORT OF CLEMENCY:

A written application with supporting exhibits outlining arguments in support of clemency was provided to the Parole Board. On October 21, 2011, a hearing was conducted to further consider the merits of the application. Federal Public Defenders Vicki Wernecke and Alan Rossman, as well as counsel Michael Benza represented Reginald Brooks, and presented arguments and witnesses in support of clemency.

Ms. Wernecke argued that Brooks continues to suffer from a serious and severe mental illness and therefore should not be executed. It is the same mental illness that he suffered from at the time of the offense - Schizophrenia, Paranoid type. Brooks' mental illness was pre-disposed by genetics as his family was described as having a history of mental illness. Brooks showed signs of schizophrenia prior to the offense. The family believed there was something wrong with Brooks, and examples of his strange behavior in the years prior to

the murders were outlined. Friends and family either observed or were told of Brooks' strange behavior. His wife, Beverly, tried to get help for Brooks to no avail, and his mental illness continued to take control. He became delusional, a symptom of his mental illness, believing that he was a star high school football player; that he had obtained a higher GPA in college than he actually accumulated; that he was a valued employee at TRW; that co-workers and his wife were poisoning him; and that his wife was having an incestuous affair with his eldest son. In addition, despite being confronted with overwhelming evidence of his guilt over the years, Brooks has given several bizarre "theories" for the murders, and maintains his innocence. These "theories" include conspiracies involving the police, his wife, his brother, or a "look-alike."

Video testimony by Ardena Brooks, Brooks' aunt was presented to the Board. Ardena was married to John Brooks, Reginald Brooks' natural uncle. Reginald and his brother Tyrone lived with them for a period of time. She described Brooks as a good student who was very popular. When he was married to Beverly, he and the children were all described as happy. The children and Brooks were engaged in a normal father-son relationship. She saw signs of Brooks struggling over the years and when Brooks' grandmother died - who he was close to and who raised him - he did not go to the hospital or funeral. She cited an incident when Beverly called John Brooks to come over to talk to Brooks, who had locked himself in a room. They thought Brooks was having a nervous breakdown. She admitted that they should have seen the signs of mental illness and that Brooks would never disclose he had any problems. She asked for clemency citing he should be given a chance.

Juana Brooks, cousin to Reginald Brooks, also testified via video. Brooks is 12 years older than her. She used to babysit the victims and described their family as loving and happy. After Brooks' grandmother died, Brooks seemed to change becoming more isolated. She heard from family members that Brooks thought he was being poisoned and she observed Brooks staring at a blank television long after the television stations had signed off for the night. She believes he let his illness take over and added that if he had gotten proper treatment, he would not be going through this.

Ms. Werneke further argued that despite the fact that Brooks was mentally ill, and they believe incompetent to stand trial, the trial court found him competent, then ultimately guilty of committing the murders and sentenced him to death. However, the court's decisions were based on incomplete information regarding Brooks' mental illness, and the prosecutors deliberately withheld from defense counsel critical information from collateral witnesses that would have supported the mental health defenses. Attorney Benza then summarized the litigation that has occurred in this case since trial, emphasizing the stages along the way where the state failed to turn over police reports that contained the exculpatory information, as he argued they are required to do under *Brady*. Attorney Benza indicated that it was not until they were granted a discovery request pursuant to the recent competency hearing in Cuyahoga County Common Pleas Court that they received the police reports. Based on those reports and the information contained therein, they have filed a motion requesting leave to file a motion for a new trial, based on the newly discovered evidence and the alleged *Brady* violation.

Ms. Werneke argued that had the trial court been made aware of the information in the police reports that described Brooks' bizarre behaviors before the offense, the outcome of the trial would have been different. She then presented Former Judge Harry Hanna. Judge Hanna was one of the three judges on the panel that found Brooks guilty of the murders. Judge Hanna stated that if he would have had the information about Brooks' behavior prior to the offenses that is now known from the police reports just recently provided to the defense, he would not have voted for the death penalty. The information in the police reports seems to indicate that Brooks' symptoms of mental illness were present before and during the offense, and that may have caused him to view the evidence in a different light. He said he recalls that the psychiatrist testified that Brooks' mental illness was in remission, but it appears from the new information that that may not have been accurate. Judge Hanna stated that it is his recollection that the term "remission" was used, but he has not reread the trial transcript to verify that recollection.

Ms. Werneke further argued that Brooks is incompetent to be executed, and presented Dr. Rahn Bailey, a psychiatrist. Dr. Bailey stated that he evaluated Brooks over a period of time to include both September, 2010 and June, 2011. He diagnosed Brooks as suffering from Schizophrenia; paranoid type, Post Traumatic Stress Disorder and Psychogenic Amnesia. Paranoid schizophrenia is a thought disorder that impairs thoughts, perception and behavior and is difficult to diagnose. One of the symptoms is delusions which are fixed, false beliefs. An example of a symptom of the paranoia in Brooks is his reluctance to admit to himself or others that there are problems or symptoms of a mental illness-refusing treatment or not trusting the system. Dr. Bailey said that in Brooks' case, there is evidence his illness started years before the crime. He believes that somewhere around 1979-1980, Brooks was decompensating. He was able to cope because of his supportive family. But eventually he lost his hobbies, then his job and then his relationships. His symptoms have not subsided, and were not in remission at the time of his offense. In his opinion, Brooks is severely mentally ill, and should be housed in a mental health unit with mandated medication. He further opined that he believes that Brooks is suffering from psychogenic amnesia, brought on by the trauma of the offense. He cites as an explanation for this opinion the fact that despite the overwhelming evidence, Brooks continues to deny committing the murders. These mental health issues prevent Brooks from making a rational connection between killing his children and his execution, and render him incompetent. He has escaped being diagnosed with a mental illness while incarcerated due to the security and structure of the institution and those that are paranoid delusional are the least likely to seek care. He concluded that Brooks was incompetent at the time of the offense and is still incompetent today.

Ms. Wernecke argued that Brooks should be granted clemency for the following reasons:

- He suffers from a serious mental illness.
- Brooks has been a compliant prisoner who has adapted and functioned well in the structured ODRC setting and would continue to do well in general population.

- Information about Brooks' mental health symptoms and bizarre behavior that would have supported the mental health defenses at the time of trial was withheld from the defense.
- Brooks is incompetent to be executed as he lacks a rational understanding and connection that he would be executed for the murders of this three sons.
- Brooks may have been insane at the time of the murders.

In summary, Ms. Wernecke argued that an execution in this case would only compound the tragedy that occurred. Brooks is severely mentally ill to the point he was, is and will always be in need of immediate treatment. Therefore, the mitigating circumstances involving his mental health outweigh the aggravating circumstances of the case.

ARGUMENTS IN OPPOSITION TO CLEMENCY:

Matthew Meyers, Assistant Cuyahoga County Prosecutor, and Thomas Madden, Assistant Attorney General presented arguments in opposition to clemency. They did not dispute the fact that Brooks has a mental illness, but they dispute that the mental illness is so severe that it was the cause of the murders and that Brooks is incompetent to be executed. Mr. Meyers argued that the Board has heard much presented in the form of opinion, but has not heard from Brooks himself. What Brooks has stated in both his testimony during the competency hearing and telephone calls to his brother is that he is innocent and understands the consequences of his conviction. The fact that he maintains his innocence is not evidence of delusions and mental illness. Brooks has a constitutional right to maintain his innocence. No one can force him to admit guilt, and the fact that he exercises this right does not mean that he is delusional.

Mr. Meyers argued that instead of the crime being a result of schizophrenia, it is equally plausible and more likely that it is a result of Brooks' anti-social personality disorder, which he has also been diagnosed with. This is evident from the facts that indicate that the murders were a calculated, pre-planned event that included a plan to escape detection prior to its discovery and leave little to no evidence. The facts supporting this argument are:

- The fight that occurred five weeks prior to the murders between Brooks and his two oldest sons, after which Brooks said to them "you're all dead."
- Brooks purchased a firearm two weeks prior to the offense which involved travelling across town to a lesser known area to conduct the purchase.
- Brooks took out a cash advance on a credit card that covered the purchase price of the firearm.
- Brooks inquired of Beverly earlier in the week if she had to work overtime on Saturday, the day of the crime, establishing that he knew when he would be home alone with his sons.
- Brooks walked the dog on the day of the murders to show normalcy to neighbors.

- The upstairs neighbor heard a loud noise, then the radio playing from the Brooks' children's bedroom, presumably to cover the sounds of the shots.
- Brooks shot the 3 victims in their beds while they slept, where he would encounter the least resistance and disturbance.
- Brooks packed a suitcase to include items with which to start a new life, i.e..his birth certificate and high school diploma.
- Brooks left town before Beverly arrived home to discover the crime.
- Brooks took the murder weapon and extra ammunition with him in a separate suitcase from the bag containing his identification.
- When arrested on the way to Las Vegas, Brooks stated that he only had one piece of luggage- the luggage not containing the murder weapon.
- Brooks continued to deny that the piece of luggage that contained the murder weapon belonged to him, even when confronted with it and the matching claim check from his pocket.

Mr. Meyers argued that the facts of the crime belie any notion that Brooks was suffering from a mental illness that rendered him legally insane, when he murdered his children. Brooks knew that the best way to get at his wife who had served him divorce papers was through the children. Brooks was examined at the time of trial by several psychologists and psychiatrists, who offered opinions as to Brooks' competency to stand trial. Those opinions were taken into consideration by the three judge panel that rejected the diagnosis of psychogenic amnesia, and focused on his lies and attempts to escape detection. The trial court indicated that the aggravating factors outweighed the mitigation of his mental illness. State and federal courts have repeatedly re-affirmed Brooks' conviction and sentence.

Mr. Meyers also argued that with all due respect to Judge Hanna, he has based his current opinion on hearsay that likely would not have been presented to the trial court. In addition, the trial court heard evidence from Dr. Bertschinger, who testified during mitigation that Brooks was incompetent. The trial court also heard that Brooks had stopped working, had accused his coworkers of poisoning him, and made his wife test his food. Much of the information in the police report that the defense claims is new evidence is largely redundant. The notion that the prosecutor withheld evidence is simply not true. The police reports could have been obtained by the defense over the years and some were obtained.

Mr. Meyers and Mr. Madden played examples of Brooks' recent telephone conversations to demonstrate that Brooks understands the court decision, his continued appeals of his case, all legal strategies his attorneys have engaged in on his behalf and the process involved in his upcoming execution. They argued that Dr. Bailey only listened to one phone call, whereas the state's expert, Dr. Noffsinger listened to all of the phone calls before rendering an opinion on Brooks' competence, that being that he is competent. They argued that Dr. Bailey did not have a full understanding of Brooks, and that there is a significant disconnect between the man Dr. Bailey described, and Brooks during the phone conversations. In addition, Dr. Bailey stated that he has testified as an expert for both the defense and prosecution in other cases. However, in capital cases, Dr. Bailey has

only testified for the defense, and those juries and courts have repeatedly rejected his opinions. They argued those examples, along with Brooks' good institutional adjustment, refute that he still suffers from a mental illness that affects his ability to understand what is occurring in this case. If he were delusional and paranoid, there would have been some manifestation of symptoms in the institutional setting over the past 28 years that would have resulted in discipline or mental health intervention. There is none indicated.

Mr. Meyer and Mr. Madden concluded by stating that Mr. Brooks is wholly undeserving of clemency, and urged the Board to make an unfavorable recommendation to the Governor.

VICTIMS' REPRESENTATIVE

Mrs. Beverly Brooks, mother of the three victims Reginald Jr, Vaughn and Niarchos, and Brooks' ex-wife presented to the Board. Mrs. Brooks spoke of her love for her three sons and that Brooks had no longer wanted to support the family. When he refused to support the family, she told him that she could not continue to support him. Eventually, she filed for divorce, which he didn't believe she would do. She stated that he murdered her three sons as that was the most impactful way he could get back at her. She is not sure if he was jealous of her relationship with them, the fact that she put them ahead of him, or the fact that she was willing to leave him for her sons. She does not believe that mental illness was the cause of the murders. She stated that over the years there have been times that she did not want Brooks executed, and signed an affidavit for the defense during one of those times. She further explained that it has been an emotional roller coaster for her, and that 95% of the time since her ex-husband murdered her three sons, she has wanted the execution to be carried out. She made it clear to the Board that she is not in support of clemency for Brooks, and that he has already lived 30 years longer than her sons.

Ms. Monica Stephens, the sister of Beverly Brooks and aunt of the three victims, described how she was within 6 months of age of Reggie Jr and the victims were more like brothers to her than nephews. Ms. Stephens described their close relationship and the last time she spoke to Reginald Jr. She has been greatly impacted by their murders. She too requested the parole board not recommend clemency for Brooks.

PAROLE BOARD'S POSITION AND CONCLUSION:

The Board reviewed and considered all information submitted both in support of and in opposition to clemency. After an exhaustive review of all materials, exhibits and arguments presented by both parties and extensive deliberation, the Board reached a unanimous decision after concluding the following:

- There has never been a question of Brooks' guilt in these offenses. The Board does not doubt that Reginald Brooks was responsible for the horrific deaths of his three young sons. Every reviewing Court, over the past 28 years, has found the evidence against Brooks overwhelming and the subsequent death sentence appropriately imposed.

- Brooks suffers from mental illness, but not to the degree that it was the cause of the offense, and also not to the degree that he does not understand why he will be executed. Recent recorded telephone calls of Brooks indicate that he understands all his legal proceedings, the crime with which he was convicted and the process leading up to his execution. Judge Michael Russo, Cuyahoga County Common Pleas Court, ruled that Brooks is competent to be executed. Like Judge Russo, the Board does not believe that Brooks is suffering from psychogenic amnesia.
- The facts of the offense suggest that Brooks' mental health condition at the time of the offense did not preclude him from engaging in careful planning. This planning started several weeks prior to the crime when he took out a credit card cash advance to obtain the murder weapon, which he purchased at a location on the other side of town. He committed the offense at an advantageous time, knowing that his wife would be working and he would be home alone with his sons. He engaged in routine acts the morning of the murders to give a normal "appearance" to neighbors. He shot his sons in their sleep when they would not be likely to challenge him or cause a disturbance, and turned up a radio to cover the sounds of the gunshots. After committing the murders, he purchased a bus ticket to Las Vegas, and took needed personal belongings during his flight from the crime to assist with a new start on life. He lied to law enforcement officials when confronted with evidence that would incriminate him.
- Over the 28 years that Brooks has been incarcerated on death row, he has never been on the mental health caseload or received mental health services, including medication. His behavior and presentation has not warranted mental health intervention.
- Brooks has been a good inmate demonstrated by good institutional conduct, showing he understands the rules and regulations of the institution and the consequences of infractions.
- Over the years, Brooks has never accepted any responsibility for the murders of his three sons, instead relying on a series of nonsensical "theories" as to who committed the crime. Brooks has never displayed any remorse over the deaths of his three sons.
- Brooks' mental health issues do not outweigh the significant aggravating factors present in this case. A recommendation to grant clemency is not warranted.

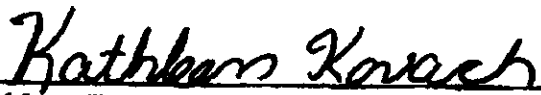
RECOMMENDATION:

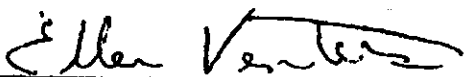
The Ohio Parole Board with eight (8) members participating, by a vote of eight (8) to zero (0) recommends to the Honorable John R. Kasich, Governor of the State of Ohio, that executive clemency be DENIED in the case of Reginald Brooks, A179-740.

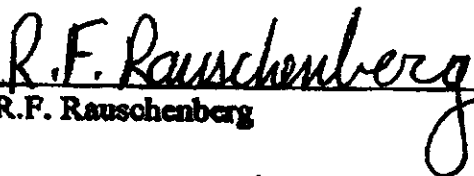
Reginald Brooks A179-740
Death Penalty Clemency
Adult Parole Authority
Ohio Parole Board Members
Voting Favorable

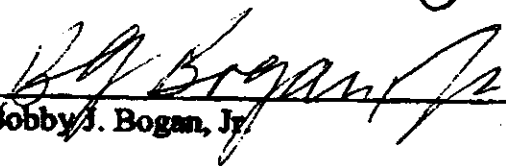
Ohio Parole Board Members
Voting Unfavorable


Cynthia Mausser, Chair



Kathleen Kovach


Ellen Venters


R.F. Rauschenberg


Bobby J. Bogan, Jr.


Trayce Thalheimer


Jose A. Torres


Cathy Collins-Taylor